

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

MONROE DIVISION

DE JIAN ZHENG

CIVIL ACTION NO. 05-1436-M

VS.

SECTION P

ALBERTO GONZALES, ET AL.

JUDGE JAMES

MAGISTRATE JUDGE HAYES

REPORT AND RECOMMENDATION

Before the court is the petition for writ of *habeas corpus* (28 U.S.C. §2241) filed by *pro se* petitioner De Jian Zheng on August 10, 2005. The government responded to the petition on December 30, 2005, and provided documentation showing that Mr. Zheng was deported on November 4, 2005. (Document No. 7, and exhibits attached thereto). As Mr. Zheng is no longer in custody, **it is recommended that his petition for writ of *habeas corpus* be Dismissed as MOOT.**

Under the provisions of 28 U.S.C. §636(b)(1)(C) and Fed.R.Civ. Proc. 72(b), parties aggrieved by this recommendation have ten (10) business days from service of this report and recommendation to file specific, written objections with the Clerk of Court, unless an extension of time is granted under Fed.R.Civ.P. 6(b). A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing.

A party's failure to file written objections to the proposed findings, conclusions and recommendation set forth above, within 10 days after being served with a copy, shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. U.S.A.A.*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

THUS DONE AND SIGNED in Chambers at Monroe, Louisiana, this 4th day of January, 2006.



KAREN L. HAYES
U. S. MAGISTRATE JUDGE